

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 19, 2005

RE: Docket No. 040208-EI - Consumer complaint against Florida Power & Light Company by Leticia Callard.

Issue 1: Should the Commission accept Mrs. Callard's exceptions to the Recommended Order?

Recommendation: No. Mrs. Callard's exceptions should be rejected. Mrs. Callard has failed to demonstrate that the factual findings in the Recommended Order are not based on competent, substantial evidence.

APPROVED

Issue 2: Should the Commission accept FPL's exceptions to the Recommended Order?

Recommendation: No. FPL's exceptions should be rejected. FPL has failed to demonstrate that the factual findings in the Recommended Order are not based on competent, substantial evidence. Furthermore, FPL has failed to show that the ALJ's conclusions of law erroneously apply the relevant law.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Lois Edger, Judy Bralley, Matthew, and Jerry.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 3: Should the Administrative Law Judge's Recommended Order be adopted as the Commission's Final Order in this case?

Recommendation: Yes. The Administrative Law Judge's Findings of Fact are based on competent, substantial evidence in the record. The Conclusions of Law appropriately apply the provisions of the Florida Statutes and the Florida Administrative Code.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: Yes. The docket should be closed after the time for filing an appeal has run.

APPROVED